

**KRW LAW - LLP**  
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23 May 2014

Our Ref: HC/K7267/KRW

Judge William G Young  
Federal Judicial Service  
United States District Court  
District of Massachusetts

By Email: [jennifer\\_gaudet@mad.uscourts.gov](mailto:jennifer_gaudet@mad.uscourts.gov); [matthew\\_paine@mad.uscourts.gov](mailto:matthew_paine@mad.uscourts.gov)

Dear Sir,

RE: Our Client: Richard O'Rawe – Prospective application by US Network NBC to access copy transcripts from Boston College Belfast Project Archive.

We act on behalf of the above named and enclose herewith the following sample material to include;

1. Copy letter from Edwards Wildman dated 1/5/14.
2. Copy email to Edwards Wildman dated 23/5/14.
3. Copy media extract BBC News Northern Ireland dated 21/5/14 entitled, "Boston College Tapes – US Network NBC launches legal bid".
4. Copy sample media extract BBC Newsline Northern Ireland dated 6/5/14 entitled, "Boston College prepared to return Troubles tapes".
5. Copy media extract BBC Newsline Northern Ireland dated 13/5/14 "Boston College to be sued over Belfast Project tapes".
6. Copy letter to NBC.

We take the view that there is no legal basis to allow NBC to access any of the Boston College Project archive or copies thereof and that any application ongoing, pending or otherwise from NBC or any other third party ought to be resisted strenuously.

To that end can you please confirm by return that in the event any Notice or other application is served upon you to access the said archive that you will undertake to notify us and revert with necessary confirmation that you and your offices will resist any such application such as that alluded to in the enclosed media extract BBC News Northern Ireland dated 21/5/14.

If you require further representation from ourselves in order to clarify the nature of this request or if there is anything else you wish to raise with us in advance of a formal response then please do let us know.

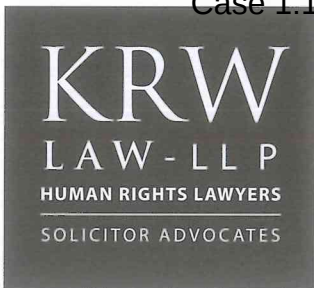
However if it is the case that no longer retain any copies, transcripts or other material connected to the interviews prepared by Mr O'Rawe then please confirm same.

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Kevin R Winters | Joseph D McVeigh | Gerard McNamara | Niall Murphy | Peter Corrigan | Michael Crawford | Paul Pierce

Shane Moorehead | Stephen McNamara | Lyndsay Crawley | Marie Hans | Matthew McGoldrick | Claire McKeegan | Adam George

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[www.kevinrwinters.com](http://www.kevinrwinters.com)

We thank you for your assistance and in view of the urgent nature of the issues raised herein can we ask that you get back to us as soon as possible.

Yours faithfully  
KRW LAW - LLP

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KRW

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Kevin R Winters | Joseph D McVeigh | Gerard McNamara | Niall Murphy | Peter Corrigan | Michael Crawford | Paul Pierce

Shane Moorehead | Stephen McNamara | Lyndsay Crawley | Marie Hans | Matthew McGoldrick | Claire McKeegan | Adam George

*Human Rights | Solicitor Advocates | 24hr Call Out | Judicial Review | Criminal Law | Litigation | Prison Law | Inquests*



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May 1, 2014

**By expedited delivery, return receipt required**

Kevin R. Winters  
KRW Law-LLP  
3rd Floor, The Sturgen Building  
9-15 Queen Street  
Belfast BT1 6EA  
Co. Antrim  
N. Ireland

Dear Mr. Winters: (Boston College Belfast Project – Richard O’Rawe)

In accordance with the instructions of Mr. O’Rawe that you conveyed to me, on behalf of Boston College I am transferring to you the following documents and media that contain the ten interviews of Mr. O’Rawe, identified as Interviewee K, by the researcher for the Belfast Project who interviewed persons formerly associated with the Irish Republican Army:

1. Nine analog audio recordings on tape cassettes of his interviews 1-3 and 5-10 numbered accordingly and contained in an envelope labeled “AK – cassettes”
2. Nine digital audio recordings on minidisks of his interviews 1-3 and 5-10 numbered accordingly and contained in an envelope labeled “AK – minidisks”
3. A CD-R labeled “Audio files copied from original tape cassette and minidisk of interview #4 with IRA Interviewee K” with two audio files of his interview 4, for which the original tape cassette, minidisk, paper transcript, and floppy disks with the word processing files were produced to the Office of the United States District Attorney for the District of Massachusetts as ordered by the United States Court of Appeals for the First Circuit in its judgment dated May 31, 2013, a copy of which is enclosed
4. Nine original paper transcripts of his interviews 1-3 and 5-10 each in a separate folder, and a copy of the transcript of his interview 4
5. Eighteen floppy disks with word processing files labeled “text” and “Word” for each of the interviews 1-3 and 5-10 numbered accordingly and contained in an envelope labeled “AK floppy disks”

EDWARDS  
WILDMAN

Kevin R. Winters

May 1, 2014

Page 2

6. A CD-R disk labeled "IRA Omnibus K," which is a copy in .pdf format of the transcripts of his interviews 1-10 from a CD-R disk containing transcripts of interviews with him other interviewees (which other disk has been destroyed by Boston College)

In addition to these interview materials, I am transferring to you a copy of the Agreement for Donation Mr. O'Rawe executed December 9, 2002, as a Belfast Project interviewee and the following other materials that were kept with Mr. O'Rawe's Belfast Project interview materials in the Boston College Archives: a folder of correspondence and webpage printouts, a manuscript of a book by Mr. O'Rawe entitled "Empty Chairs and Empty Tables" and correspondence with Ed Moloney relating to that manuscript, a manuscript of a book by Mr. O'Rawe entitled "BLANKETMEN Inside the Hunger Strike" and correspondence with Seán O'Keefe relating to that manuscript, a CD-R labeled "K pre + post publication Mar 26th, 2005," a CD-R labeled "Richard O'Rawe File," a CD-R labeled "K' Book," a CD-R labeled "Ed," and a floppy disk labeled "Ed from R."

In accordance with your instructions on behalf of Mr. O'Rawe, Boston College has retained no copies of any of the enclosed materials, except (1) a copy of the Agreement for Donation from Mr. O'Rawe, and (2) CD-Rs provided to Boston College by the United States District Attorney for the District of Massachusetts pursuant to an order of the United States District Court for the District of Massachusetts dated January 20, 2012, that contain electronic copies of the materials that Boston College produced to the United States District Attorney, consisting of audio files copied from the original tape cassette and minidisk recordings of Mr. O'Rawe's interview 4, a .pdf of the transcript of that interview, and floppy disks with the word processing files of that interview. Boston College is without knowledge whether the Belfast Project researchers themselves have copies of any of the interview or other materials.

Please contact me if you have any questions regarding the materials transferred to you herewith in accordance with the instructions of Mr. O'Rawe.

Yours truly,



Jeffrey Swope

Enclosures

K/01 - K/10



## BOSTON COLLEGE

JOHN J. BURNS LIBRARY

**John J. Burns Library**  
**Boston College**  
 Chestnut Hill, Massachusetts 02467

## AGREEMENT FOR DONATION

RICHARD O. RAWE

(Name of Donor)

## CONDITIONS OF DONATION

1. I do hereby transfer to the Trustees of Boston College possession of the tape recordings and transcripts of my interviews conducted on 8/9/01-26/03/02. These recordings and transcripts are to be deposited in the John J. Burns Library, Boston College, Chestnut Hill, Massachusetts 02467, to be preserved in such a manner as may best serve the educational, intellectual and historical objectives of its oral history and related programmes.
2. I assign to the Trustees of Boston College absolute title thereto, including whatever copyright I may own in the contents of these tapes and transcripts.
3. Access to the tapes and transcripts shall be restricted until after my death except in those cases where I have provided prior written approval for their use following consultation with the Burns Librarian, Boston College. Due to the sensitivity of content, the ultimate power of release shall rest with me. After my death the Burns Librarian of Boston College may exercise such power exclusively.
4. Additional conditions.\*

R. O. Rawe

(Donor)

25 Glen Rd

(Address)

BT 11 8BA

Dr Anthony M. Ryan (PhD)

(Burns Librarian)

9/12/02

(Date)

02 890 616111

(Telephone #)

(Fax #)

911/102

(e-mail)

(Date)

\*If none, write "None" and draw a "Z" through the blank space that follows.

NONE

**Burns-Belfast Project: Donor Agreement Form**

Z

**Anne Marie Doherty**

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**From:** Anne Marie Doherty  
**Sent:** 23 May 2014 09:52  
**To:** 'Swope, Jeffrey'  
**Subject:** Our Client: Richard O'Rawe - Boston College Belfast Project

Dear Sir,

We refer to the above matter and previous correspondence herein in particular yours of 1/5/14 returning documents and media containing interviews of Mr O'Rawe. Please confirm that your client no longer retains any copies of same and that in the event any third party makes contact with your client such party will be advised to redirect all enquiries in relation to same to ourselves.

*Yours Faithfully*  
*KRW LAW - LLP*

3rd Floor, The Sturgen Building  
9-15 Queen Street, Belfast  
BT1 6EA  
Main Office (028)90 241888  
Fax: (028)90 244804

\*\*\*\*\*

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Any views or opinions expressed are solely those of the sender and do not necessarily represent those of Kevin R Winters & Co Solicitors unless otherwise specifically stated . As internet communications are not secure, Kevin R Winters & Co Solicitors is not responsible for the contents of this message nor responsible for any change made to this message after it was sent by the original sender. Although virus scanning is used on all inbound and outbound e-mail, we advise you to carry out your own virus check before opening any attachment. We cannot accept liability for any damage sustained as a result of any software viruses.

\*\*\*\*\*

Take care,  
David

**BBC NEWS**

**NORTHERN IRELAND**

21 May 2014 Last updated at 12:59

## Boston College tapes: US network NBC launches legal bid

By Andy Martin  
BBC Ireland Correspondent

**The American news network, NBC, has made a formal request to have transcripts from Boston College's Belfast Project released.**

Its news investigations team made the application to a US Judge, William Young, who is one of the few people to have read the entire archive.

Information from the recordings has led to a series of arrests, including that of Sinn Féin president Gerry Adams.

The project was designed as an oral history of the Troubles.

Dozens of former paramilitaries from the IRA and the Ulster Volunteer Force gave candid interviews to researchers employed by the university, on the understanding that their involvement would not be made public until after their deaths.

The course director, journalist Ed Moloney, published a book based on two of the accounts given to the project, after the interviewees had died.

However, the PSNI became aware of the existence of the tapes.

They used a treaty between Britain and the United States to obtain any material that could help their investigation into the murder of Jean McConville in 1972.

Mrs McConville is the best known of The Disappeared, a group of people abducted, murdered and secretly buried by republicans.

The researchers fought the release of the interviews through the US courts, maintaining that it would represent a breach of contract and trust, and violate the ethical code on the protection of sources.

Judge Young, who read the archive in order to determine which testimonies made reference to Mrs McConville, acceded to the PSNI request.

He did, however, describe the project as "a bone fide academic exercise of considerable merit".

### 'Furious'

Dr Anthony McIntyre, who conducted the interviews with former IRA members, said he was shocked to learn that a news organisation had attempted to have the documents released.

Mr McIntyre has been made aware of threats to his life as a result of his involvement in the project.

He said he could not understand how a news organisation could be prepared to violate the code on the protection of sources.

"I am furious that a news agency is trying to expose sources," he said. "I am extremely hostile to this action."

### More Northern Ireland stories



NI21 leaders clash on 'crazy' claim

[\[/news/uk-northern-ireland-27498308\]](#)

The leader of Northern Ireland newest political party Basil McCrea wants an explanation from his deputy for calling NI21 "crazy" and "dysfunctional".

[Bail sought to appear on Jeremy Kyle](#)

[\[/news/uk-northern-ireland-27504222\]](#)

[Kennedy letters removed from auction](#)

[\[/news/world-europe-27509809\]](#)



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**BBC NEWS**

## NORTHERN IRELAND

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6 May 2014 Last updated at 09:44

# Boston College prepared to return Troubles tapes



**By Conor Macauley**  
BBC News NI

**Boston College has said it would return interviews to former paramilitaries who contributed to an oral history of the Troubles in Northern Ireland.**

Some of the material gathered for the US project was used by NI police to question Sinn Féin leader Gerry Adams.

He was arrested last week over the 1972 IRA murder of Jean McConville. He was released without charge on Sunday and a file is being sent to prosecutors.

More than 40 former NI gunmen and bombers gave interviews to the college.

Both republican and loyalist paramilitaries gave personal accounts of the Troubles to researchers working on the so-called 'Belfast Project'.

It was intended their accounts would not be released without their permission or until after their deaths.

After a legal battle, the Police Service of Northern Ireland (PSNI) gained access to some of the tapes.

In 2011, the PSNI went to court in the United States and eventually won access to 11 out of hundreds of interviews as part of their investigation into the IRA abduction and murder of Mrs McConville.

The transcripts formed part of the material that was put to Sinn Féin president Gerry Adams over four days of questioning last week about his alleged role in the killing.

#### **'Verify'**

He was released on Sunday and a file sent to the Public Prosecution Service.

Mr Adams, who has always denied he had anything to do with the murder, said the project's interviews with three former IRA members had "formed the mainstay for my arrest".

A spokesman for Boston College, Jack Dunn, confirmed that it would be prepared to hand back interviews to those involved.

"Obviously we'd have to verify that they were the individuals that took part in the process," he said.

"If they wanted those documents returned, we'd be prepared to return those documents."

Several loyalists have already stated their intention to seek the return of their transcripts.

The Belfast Project material is held in the Burns Library at Boston College.

It also holds records of paramilitary decommissioning sent there for storage under a 30-year rule by the Irish and British governments.

Boston College has come in for criticism from journalist Ed Moloney, who directed the project, and former IRA prisoner Anthony McIntyre, a researcher who carried out the IRA interviews.

#### **'Robust defence'**

The pair said the authorities there did not do enough to protect the archive when it came under legal challenge from the Police Service of Northern Ireland.

They also said it was up to the college to ensure that confidentiality commitments given to the participants were watertight under American law.

Mr Dunn, however, said the college mounted a robust legal defence, limiting the amount of material that was released to police.

He said Mr Moloney ought to have known about the Mutual Legal Assistance Treaty (MLAT) under which the PSNI obtained access to the interviews.

He said the treaty had been signed in 1994 and there had always been the possibility that it might be invoked.

#### **'Legal checks'**

Mr Dunn said those involved in the project "were convinced that would never happen, given the goodwill that emanated from the Good Friday Agreement in 1998".

He said while the "assumption was that British law enforcement would never invoke MLAT," they had done so and the college was now dealing with the fallout.

However, Mr Moloney said there was no reason why he should have known about such a treaty.

"We were doing the spadework of trying to get this thing off the ground and we were leaving the legal side to the American lawyers who knew what the legal situation was," he said.

Mr Moloney said they had trusted Boston College to have made proper legal checks.

"When we started this project, we were in Belfast and dealing with a college that had its own legal counsel's office and its own law school - they were the guys who knew about American law," he said.

"I specifically asked that for the donor contract we sent as a sample to be run past the lawyers at Boston College and we were told in reply that it had happened.

"On that basis we therefore went ahead in confidence that it had been checked by a university that had the legal resources and knowledge to make that decision," the journalist added.

#### **'Prepared to fold'**

Mr McIntyre also rejected Mr Dunn's claim that the Belfast Project researchers should have been aware of the treaty.

"I'm not a legal person, I wasn't told about it. Boston College are now claiming that they knew about it. It was incumbent on Boston College to tell me about it, to explain it to me," he said.

Mr McIntyre accused the college authorities of being "quite prepared to fold from the outset" when the PSNI launched legal proceedings to gain access to the confidential interviews.

He told BBC Radio Ulster that Boston College had "demonstrated an unwillingness to protect the integrity" of the oral history project.

The researcher said he agreed that records of the interviews should be given back to the former paramilitaries who had agreed to take part in the project.

Mr Adams said the Belfast Project was "flawed from the beginning".

The Sinn Féin leader has welcomed Boston College's offer to return the interviews before anyone else attempts to "seize the rest of the archive and do mischief".

"Everyone has the right to record their history but not at the expense of the lives of others," Mr Adams added.

## **More Northern Ireland stories**



McIntyre tape in Boston archive

[\[/news/uk-northern-ireland-27302019\]](#)

The former republican prisoner whose interviews led to Gerry Adams' recent arrest reveals to BBC Northern Ireland's Spotlight programme that he gave an account of his own IRA activity to a controversial American archive.

[Extra nurses brought in to RVH](#)

[\[/news/uk-northern-ireland-27303909\]](#)

[QUB students to vote on poppy ban](#)

.....  
JTL - W/L WKK  
Yours faithfully,  
Gerry Adams

\*\*\*\*\*

[\[/news/uk-northern-ireland-27303914\]](#)

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it was sent by the original sender. Although virus scanning is used on all inbound and outbound e-mail, we advise you to carry out your own virus check before opening any attachment. We cannot accept liability for any damage sustained as a result of any software viruses.



## NORTHERN IRELAND

13 May 2014 Last updated at 14:26

### Boston College to be sued over Belfast Project tapes

**Boston College is to be sued by former paramilitaries who contributed to an oral history project of the Troubles in Northern Ireland.**

The lead case is being taken by former IRA man Richard O'Rawe.

Mr O'Rawe alleges the university breached its contract with him by not advising him that his testimony might be released by a court order.

More than 40 former gunmen and bombers active during the Troubles gave interviews to the college.

Both republican and loyalist paramilitaries gave personal accounts to researchers working on the so-called 'Belfast Project'.

It was intended their accounts would not be released without their permission or until after their deaths.

After a legal battle, the Police Service of Northern Ireland (PSNI) gained access to some of the tapes.

Mr O'Rawe is one of four people suing the college.

He said he had suffered "serious intimidation and distress together with reputational damage as is evidenced by recent widespread graffiti appearing in west Belfast".

He claims there was misrepresentation and breach of confidentiality together with negligence based on the failure of Boston College to advise him that what he said could be subject to court orders as part of other litigations.

As Boston College has a subsidiary company based in Dublin, under European law the case can be taken in the High Court in Belfast.

Some of the material gathered for the US project was used by Northern Ireland police to question Sinn Féin leader Gerry Adams.

He was arrested at the end of April over the 1972 IRA murder of Jean McConville. He was released without charge and a file is being sent to prosecutors.

Speaking on Monday night, Mr O'Rawe said: "I entered into the project in good faith in order to contribute to an important historical narrative of the conflict.

"My contribution never mentioned anything at all about the disappearance and murder of Jean McConville, because I know nothing about it.

"Despite that, the police were still able to get my recordings. They should never have been allowed to do that.

"I blame Boston College for the mess and I want them held accountable for putting me in this position."

#### More Northern Ireland stories



**Basil McCrea denies allegations**

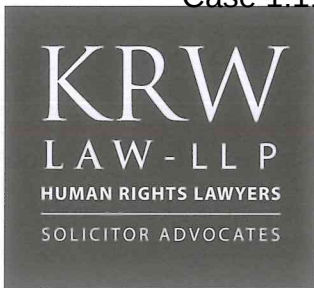
[\[news/uk-northern-ireland-27537021\]](#)

The leader of NI21, Basil McCrea, reveals that he is facing claims of inappropriate sexual activity.

[NI election ballot counting begins](#)  
[/news/uk-northern-ireland-275231021](#)  
[Chicago baseball bat attacker jailed](#)  
[/news/uk-northern-ireland-275175591](#)



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[www.kevinrwinters.com](http://www.kevinrwinters.com)

23 May 2014

Our Ref: HC/K7267/KRW/AL

Gillian M. Lusins  
NBC Universal Law Department  
30 Rockefeller Plaza, Rm. 1087E  
New York, New York 10112

Email: [dmca.agent@nbcuni.com](mailto:dmca.agent@nbcuni.com)

Dear Madam,

RE: Our Client Richard O'Rawe – Pending litigation against Boston College for breach of contract, breach of duty and negligence.

We refer to the above named and pending litigation against Boston College for damages by reason of their failure to facilitate proper oversight and control of the contractual arrangements entered into by our client and the "Project".

Please see enclosed copy sample correspondence and media extracts one of which touches upon our announcement about the above entitled prospective proceedings.

Can you please respond to the following queries;

1. Have you served notification of legal proceedings against US Judge, William Young, the legal figure who had access to the Belfast Archive Project transcript material including that of Mr Richard O'Rawe?
2. If you have issued notification, whether by way of formal legal proceedings or otherwise, please forward to us confirmation of same together with copies thereof.
3. Did such notification contain specific reference to Mr Richard O'Rawe or is it generic to the archive available to Judge Young on foot of subpoenas issued previously?
4. Our client is seeking damages for loss, distress, inconvenience and personal injury, loss to reputation. We say that such loss will be compounded in the event that archive materials in which he participated is now made available to third parties including NBC or any other media outlet. Having now been made aware of such potential prejudice to our client's position do you agree with our assessment? Alternatively if you disagree please set out why you believe your interests outweigh the legal interests of our client.
5. When reverting to us can you please clarify whether or not the announcement that Mr O'Rawe will initiate legal proceedings against Boston College was an influencing factor in your decision to initiate legal proceedings to access the archive material as reference herein?

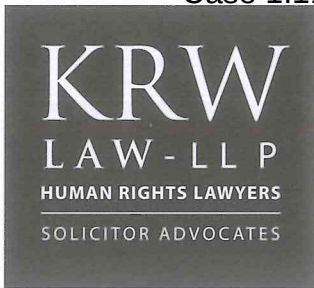
We thank you for your assistance and await hearing from you.

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Kevin R Winters | Joseph D McVeigh | Gerard McNamara | Niall Murphy | Peter Corrigan | Michael Crawford | Paul Pierce

Shane Moorehead | Stephen McNamara | Lyndsay Crawley | Marie Hans | Matthew McGoldrick | Claire McKeegan | Adam George

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[www.kevinrwinters.com](http://www.kevinrwinters.com)

Yours faithfully  
KRW LAW - LLP

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KRW

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Kevin R Winters | Joseph D McVeigh | Gerard McNamara | Niall Murphy | Peter Corrigan | Michael Crawford | Paul Pierce

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